GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Higher Education – Interstate transfers – Sanction of pension and other retirement benefits, by giving the benefit of two years of service from 30.04.2018 to 30.04.2020 to Sri P.Chandrasekhara Rao, (Retd), Lecturer in Commerce, Government Degree College, Madhira, Khammam Dist., shall be deemed to have been joined in the State of Andhra Pradesh on 27.04.2020 itself in Govt. Degree College, Narasannapeta, Srikakulam Dist., A.P. vice Smt P.Manjula, Lecturer in Commerce, Government Degree College, Yalamanchili, Visakhapatnam Dist. in compliance of the Hon'ble High Court of TS orders dt:23.07.2021 in C.C.No.822 of 2020 in W.P.No.23515 of 2019- Orders – Issued.

HIGHER EDUCATION [CE.A1] DEPARTMENT

G.O.Rt.No.109 Dated:17.08.2021

Read the following:-

1.Govt.Circular.Memo.No.9940/SPF&MC/2015, Dt.07-08-2017.
2.From the Spl.CCE, A.P, Vijayawada, Lr.No.18/1/Ser.III/2017,dated. 03/10/2017.
3.Govt.of Andhra Pradesh, Letter No. 4900/CE.A1/2017-57, dated:11.04.2018.
4.Order of the Hon'ble High Court in W.P. No.15328 of 2018, dated:18.06.2018.
5.Govt. of Andhra Pradesh Lr. No.EHE01-13021/152/2018-CE-HE, dated:20.07.2018.
6.Govt. of Telangana, H.E. Dept., Lr No.4605/CE.A1/ 2017, Dated.12.09.2018.
7.Orders, dated:14.10.2019, C.C.No.132 of 2019 in W.P.No.15328 of 2018, High Court of TS.
8.Govt. of A.P., Memo No.EHE01-CCE0MISC/87/2019-CE, dt:03.04.2019.
9.Orders dated:27.04.2020 of Hon'ble High Court of T.S, in WP No.23515/2019 filed by Sri P.Chandra Sekhar Rao, and Smt.P.manjula.
10.Govt.of Telangana, H.E.Dept., Lr.No.5144/CE.A1/2018, dated: 09.11.2020.
11. C.C.No.822 of 2020 in W.P.No.23515 of 2019, dated.17.11.2020.
12. The Hon'ble High Court of T.S, orders dt:23.07.2021 in C.C.No.822 of 2020 in W.P.No.23515 of 2019.

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In the reference 1st read above, Government of Andhra Pradesh & Government of Telangana have issued certain guidelines for Inter-State transfers of Government employees between the State of Andhra Pradesh and the State of Telangana on spouse grounds / mutual grounds for local cadre employees (District/Zonal/Multi Zonal Cadre) and State Cadre employees where the final allocation has been notified by the Central Government.

2. In the reference 2nd read above, the Special Commissioner of Collegiate Education, Andhra Pradesh, Vijayawada has submitted certain proposals for Inter-State transfers of certain Lecturers/ Librarian working in Govt. Degree Colleges including the proposal of Smt P. Manjula, Lecturer in Commerce, Govt. Degree college, Yelamanchili, Visakhapatnam District vice Sri P. Chandrasekhar Rao, Lecturer in Commerce, GDC, Madhira, Khammam from the State of Andhra Pradesh to the State of Telangana under mutual basis.

3. Government of Andhra Pradesh vide reference 3rd read above has requested the Govt. of Telangana to furnish "No Objection Certificate" for effecting Inter-State transfers of the Degree College Lecturers including Smt P. Manjula, Lecturer in Commerce, Government Degree College, Yelamanchili, Visakhapatnam District vice Sri P. Chandrasekhar Rao, Lecturer in Commerce, GDC, Madhira, Khammam on mutual basis from State of Andhra Pardesh to State of Telangana and vice versa.

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4. In the reference 4th read above, Sri P. Chandrasekhar Rao, Lecturer in Commerce, GDC, Madhira, Khammam and Smt. P. Manjula, Lecturer in Commerce, Govt. Degree College, Yelamanchili, Visakhapatnam District have filed W.P. No.15328 of 2018 and the Hon'bie High Court vide its orders dated:18.06.2018 has passed the following order.

> *"while the age of retirement of a Government lecturer in the State of Telangana is 58 years , it is 60 years in the State of A.P.. It is not in dispute that the second petitioner is aged 48 years and , even if she is transferred to the State of Telangana , she would still have a decade of service left before the retirement.*
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> *While the first petitioner may no longer be entitled to work as a Lecturer in the state of Telangana, as he has completed 58 years of age, he would be entitled , if his request for mutual transfer to the state of Andhra Pradesh is accepted, to work as a Government Lecturer till he attains the age of superannuation of 60 years in the state of A.P. A decision in this regard is required to be taken by the Governments of Telangana and Andhra Pradesh. Suffice it to direct the Special Chief Secretary/ Principal Secretary, of Education Department in both the states to consider the request for mutual transfer with utmost expedition and , in any event , not later than one month from the date of receipt of a copy this order, as the transfer guidelines, issued on 7.8.2017, require a decision to be taken within two months thereafter i.e. on or before 7.10.2017".*

5. In pursuance of the orders dated:18.06.2018 of the Hon'ble High Court in W.P. No15328 of 2018 in the reference 4th cited, Govt. of Andhra Pradesh vide reference 5th cited requested the Special Chief Secretary to Government , Higher Education Department, Govt. of Telangana to issue 'No objection certificate' for mutual transfer of Sri P. Chandrasekhar Rao, Lecturer in Commerce, GDC, Madhira, Khammam and Smt. P. Manjula, Lecturer in Commerce, Govt. Degree College, Yelamanchili, Visakhapatnam District for taking further action in the mater, immediately as the NOC from the Govt. of Telangana is mandatory for Inter-State transfers as per Guidelines.

6. In the reference 6th read above, the Government of Telangana amongst other things has informed that the case of Sri P. Chandrasekhar Rao, Lecturer in Commerce, Govt. Degree College, Madhira, Khammam District, Telangana who applied on mutual basis with Smt. P. Manjula, Lecturer in Commerce, Govt. Degree college, Yelamanchili, Visakhapatnam District cannot be considered at this stage as he retired from service on attaining the age of superannuation on 31.05.2018.

7. In the meanwhile, the applicants & petitioners in W.P.No.15328 of 2018 have filed C.C.No.132 of 2019 before Hon'ble High Court of TS for non-compliance the orders dated:18.06.2018 & 18.09.2018 of Hon'ble High Court of TS in W.P.No.15328 of 2018.

8. On receipt of the Letter dated 12.09.2018 from the Govt. of T.S, Government of A.P. vide reference 8th read above, have rejected the proposal for Inter-State transfer of Sri P. Chandrasekhar Rao, Lecturer in Commerce, Govt. Degree college, Madhira, Khammam District, Telangana , who applied on mutual basis with Smt. P. Manjula, Lecturer in Commerce, Govt. Degree College, Yelamanchili, Visakhapatnam District between the state of Andhra Pradesh and the state of Telangana as the Government of Telangana has informed that the request of Shri Chandrasekhar Rao cannot be considered and NOC from Government of Telangana is mandatory for effecting Inter-State transfer on mutual basis and filed a counter affidavit in C.C.No.132 of 2019 submitting the factual position in the matter.

9. The Hon'ble High Court of TS has passed following orders dt:14.10.2019 in C.C.No.132 of 2019:

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By the order dt:18.09.2019, this court had directed the Government of Telangana and Andhra Pradesh to consider the requests of mutual transfers of the petitioners, But, even before this order was passed on 12.09.2018, the state of Andhra Pradesh has communicated to the State of Telangana its decision regarding the petitioners. No doubt this fact was not brought to the notice of the Court when it passed the order on 18.09.2018. But, since the intention of this Court was to ensure that a decision was taken on the request of the petitioners for mutual transfers between the State of Andhra Pradesh and the State of Telangana, we grant liberty to the petitioners to assail the letter dt.12.09.2018 issued by the State of Telangana to the State of Andhra Pradesh regarding the petitioners in an appropriate proceeding and we are of the opinion that no case for punishing the respondents for Contempt of Case is made out.

Accordingly, the Contempt Case is closed. No costs.

10. As the matter thus, the applicants / petitioner have filed **another** W.P.No.23515 of 2019 before Hon'ble High Court of TS and **praying** that *pleased to direct the respondents to effect interstate mutual transfer the petitioners to the State of Andhra Pradesh and to the State of Telangana respectively pursuant to their applications dated:28.08.2017 and 28.09.2017 in terms of Cir.Memo.dated:7.8.2017 and also in terms of orders passed in W.P.No.15328 / 2018 dated:18.06.2018 and order passed in I.A.No.4/2018 in W.P.No.15328 / 2018 dt:18.09.2018 forthwith in the interest of justice pending disposal of the above writ petition and pass such other order or orders may deem fit and proper in the circumstances of the case.*

11. In the reference 9th read above, the Hon'ble High Court of Telangana State issued orders that Writ Petition W.P.No.23515 of 2019 is allowed, Letter No.4605/CE/A1/2017, dated.12.09.2018, issued by the 1st respondent as well as Memo.No.EHE01-CCEOMISC/87/2019-CE, dated.03.04.2019 issued by the 2nd respondent are both set aside; a Writ of Mandamus is issued to the 1st respondent to forthwith pass an order granting" 'No Objection Certificate' for the employment of the 1st petitioner in the State of Andhra Pradesh and the 2nd respondent shall then forthwith provide him posting in one of the Government Degree College in the State of Andhra Pradesh in an existing vacancy; a Writ of Mandumus shall also issued to 2nd respondent to forthwith relieve the 2nd petitioner by giving 'No Objection Certificate' and the 2nd petitioner shall then be accommodated as a Lecturer in one of the Government Degree Colleges in the State of Telangana in an existing vacancy forthwith; 1st respondent shall also pay costs of Rs.10,000/- (Rupees ten Thousand only) to each of the petitioners.

12. In the reference 10th read above, Government of Telangana in pursuance of the Orders of Hon'ble High Court dated.27.04.2020 in W.P.No.23515/ 2019 issued "No Objection" for effecting Inter State transfer of Sri P.Chandra Sekhar Rao, Lecturer in Commerce(Rtd), Government Degree College, Madhira, Khammam District from State of Telangana to State of Andhra Pradesh on mutual basis vice Smt Pindi Manjula, Lecturer in Commerce, Government Degree College, Yelamanchili, Visakhapatnam district and requested to relieve Smt Pindi Manjula by giving No Objection Certificate to enable the Government of Telangana to accommodate her in one of the Government Degree Colleges in the State of Telangana.

13. In the light of the C.C. in the reference 11th read above, and in compliance of the orders of the Hon'ble High Court of Telangana dated.27.04.2020 Government have issued order for Inter-State transfer of Smt. P. Manjula, Lecturer in Commerce, Govovernment Degree College, Yelamanchili, Visakhapatnam District from the State of Andhra Pradesh to the State of Telangana in relaxation of conditions prescribed in the said Circular Memo dated: 07-08-2017 subject to taking last rank next to the last regular candidate in the State of Telangana and to forgo her seniority in the State of Andhra Pradesh as well as lien and also other conditions stipulated in Circular Memo dated.07-08-2017 and the Commissioner of Collegiate Education, A.P, Vijayawada is directed to relieve Smt Pindi Manjula, Lecturer in Commerce, Government Degree College, Yelamanchili, Visakhapatnam District so as to enable her to join in the Government of Telangana for further postings.

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Accordingly the Special Commissioner of Collegiate Education vide letter dated.28.06.2021 has issued directions to the Principal, Governemnt Degree College, Yalamanncili to relieve Smt P.Manjula, Lecturer in Commerce. The Principal, GDC, Yalamanchili vide proceedings dated.28.06.2021 has relieved her with instructions to report before the Commissioner of Collegiate Education, Hyderabad, Governemnt of Telangana.

14. In the ref.12th read above, the Hon'ble High Court of T.S has passed order dated.23.07.2021 in C.C.No.822 of 2020 in W.P.No.23515 of 2019 allowing the comtempt case.

15. Thus, after careful examination of the matter in consultation with advisory departments and orders of the Hon'ble High Court of T.S, dated.23.07.2021 in C.C.No.822 in 2020 in W.P.No.23515 of 2019, the Government hereby order to accord permission to the Commissioner of Collegiate Education, A.P. to sanction the pension and other benefits, by giving the benefit of two years of service from 30.04.2018 to 30.04.2020(instead of 31.05.2018 to 31.05.2020 as the date of retirement recorded in S.R. is 30.04.2018) to Sri P.Chandrasekhara Rao,(Retd), Lecturer in Commerce, Government Degree College, Madhira, Khammam Dist., who shall be deemed to have been joined in the State of Andhra Pradesh on 27.04.2020 itself in Govt., Degree College, Narasannapeta, Srikakulam District., A.P, in compliance with the orders of the Hon'ble High Court of Telangana State.

16. The Commissioner of Collegiate Edcuation, Andhra Pradesh is requested to take necessary action in the matter forthwith.

17. This order issues with the concurrence of the Finance Dept. vide their U.O.No.FIN01-HR/137/2021-HR-IV,ComputerNo.1470115,dated.11.08.2021.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SATISH CHANDRA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Collegiate Education, Andhra Pradesh, Vijayawada.
The individuals through the CCE, A.P., Vijayawada.

Copy to:

The Special Chief Secretary to Government, Higher Education Department, Govt. of Telangana, Telangana Secretariat, Hyderabad.
The Commissioner of Collegiate Education, Govt.of Telangana, Hyderabad.
The Accountant General, A.P.Vijayawada/Hyderabad
The Director of Treasuries and Accounts, A.P.Vijayawada,
The Pay and Accounts Officer, Vijayawada.
The Fiance Dept.
The Law Dept.
SF/SC.

HIGHER EDUCATION DEPARTMENT DESPATCH SECTION 18 AUG 2021

//FORWARDED::BY ORDER//

SECTION OFFICER